

## AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A method of wireless communication with a number of subscribers to a subscription-based service, the method comprising:

determining the number of subscription-based service subscribers within a cell;

determining at least one of a geographical distribution of a number of multicast service subscribers and a subscription distribution of the number of multicast service subscribers within the cell; and

assigning at least one service rate to at least one of a plurality of subscription-based service types in response to at least one of channel conditions, power requirements, service subscription type, desired content, other services and equipment class of each subscriber and in further response to at least one of the determined geographical distribution and the determined subscription distribution.

2. (Original) The method of Claim 1, wherein the subscription-based service comprises at least a multicast service, the at least one service rate comprises at least one multicast rate, and said at least one of each of the plurality of subscription-based service [[type]] types comprises at least a multicast service subscription type.

3. (Original) The method of Claim 2, wherein the multicast service subscription type comprises at least one of a basic type and a premium type.

4-5. (Canceled)

6. (Currently Amended) The method of Claim [[4]] 2, comprising:

multicasting information to each of the multicast service subscribers at each multicast service subscription type's assigned multicast rate.

7. (Original) The method of Claim 6, wherein the step of assigning comprises:

prioritizing the assigning of the at least one multicast rate to support the multicasting information to at least one of a maximum number of multicast service subscribers, a maximum number of multicast service subscribers having the premium

service type, and a maximum number of multicast service subscribers having the basic service type.

8. (Previously Presented) The method of Claim 7, comprising:

scaling an availability of at least one of the multicast service subscription types in response to a demand from the multicast service subscribers associated with at least another multicast service subscription type.

9. (Original) The method of Claim 8, wherein the step of scaling comprises at least one of dropping and adding the availability of at least one of the multicast service subscription types.

10. (Original) The method of Claim 8, wherein the demand corresponds with at least one of power and subscription revenue.

11. (Original) The method of Claim 7, comprising:

scaling an availability of at least one of the multicast service subscription types in response to base station resources in use.

12. (Original) The method of Claim 11, wherein the step of scaling comprises at least one of dropping and adding the availability of at least one of the multicast service subscription.

13. (Original) The method of Claim 11, wherein the equipment class corresponds with at least one supporting channelization code.

14. (Original) The method of Claim 2, wherein the other services comprises at least one of voice, HSDPA and HSUPA.

15. (Previously Presented) A method of wireless communication comprising:

receiving a subscription-based service at an assigned service rate, the assigned service rate corresponding with at least one of a plurality of service subscription types

and at least one of desired content, channel conditions, power requirements, other services and equipment class and further corresponding to at least one of a determined geographical distribution of a number of multicast service subscribers and a determined subscription distribution of the number of multicast service subscribers within the cell.

16. (Original) The method of Claim 15, wherein the subscription-based service comprises at least a multicast service, the at least one service rate comprises at least one multicast rate, and the service subscription type comprises at least a multicast service subscription type.

17. (Canceled)

18. (Original) The method of Claim 16, wherein the multicast service subscription type comprises at least one of a basic type and a premium type.

19. (Original) The method of Claim 16, comprising:  
prioritizing the other services and the multicast service subscription service.

20. (Original) The method of Claim 19, comprising:  
scaling the multicast service subscription types available for assigning in response to a change in demand for the other services.

21. (Original) The method of Claim 20, wherein the step of scaling comprises at least one of dropping and adding support for at least one of the multicast service subscription types.

22. (Original) The method of Claim 21, wherein the demand corresponds with at least one of power, channelization codes, and subscription fees.

23. (Original) The method of Claim 19, wherein the other services comprises at least one of voice, HSDPA and HSUPA.

24. (Original) The method of Claim 16, wherein the equipment class corresponds with at least one supporting channelization code.